

FILED

JUL 29 2013

**Division of Consumer Affairs
New Jersey State
Board of Polysomnography**

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF POLYSOMNOGRAPHY

IN THE MATTER OF THE LICENSE OF :	:	
	:	
MICHAEL J. LAHEY :	:	Administrative Action
License No. 49FW00000300 :	:	
	:	
TO PRACTICE POLYSOMNOGRAPHY :	:	CONSENT ORDER
IN THE STATE OF NEW JERSEY :	:	OF SUSPENSION
	:	

This matter was first opened to the New Jersey State Board of Polysomnography (Board) on February 21, 2013, when the Board received notification that Michael J. Lahey, (Respondent), was arrested by the Division of Criminal Justice on two Counts of violating N.J.S.A. 2C:21-20(c) for the unlicensed practice of medicine and one Count of N.J.S.A. 2C:21-4.3(c) for submitting fraudulent health care claims. At the time of Respondent's arrest, he was the Chairman of the Board and employed by Comprehensive Sleep Center (CSC), located at 22-18 Broadway, Fair Lawn, New Jersey, as a polysomnographic technologist and as

CSC's director. Respondent resigned from the Board on February 25, 2013.

On May 6, 2013, the Board filed an Interim Consent Order in which Respondent agreed to cease and desist from the practice of polysomnography in the State of New Jersey. Further, on May 6, 2013, in resolution of the criminal charges, Respondent was admitted to the Pretrial Intervention Program (PTI) with the Superior Court of New Jersey, Bergen County and was subject to 75 hours of community service and ordered to pay restitution to two insurance companies for a total of \$1,610.45.

On May 14, 2013, the Board finalized its review of this matter and determined that Respondent engaged in professional misconduct in violation of N.J.S.A. 45:1-21(e) regarding the conduct that led to his arrest including his representation of himself as a physician to CareCore an agent of Aetna Insurance Company during "peer to peer" telephone calls to obtain authorizations for sleep studies after they were initially denied; and the parties having agreed and consented to the resolution of this matter without the necessity of the Board instituting formal proceedings, and the Board finding that the within Order is adequately protective of the public and that good cause exists for its entry:

IT IS ON THIS 21ST DAY OF JULY 2013, ORDERED THAT:

1. The license of Michael J. Lahey to practice polysomnography in this State is hereby suspended for one (1) year, retroactive to May 6, 2013, the filing date of the Interim Consent Order, with the first three (3) months to be served as an active suspension and the remaining nine (9) months to be stayed and served as a period of probation. During Respondent's three (3) months of active suspension he shall not practice as a polysomnographic technologist, polysomnographic technician, polysomnographic trainee nor work in any capacity at CSC or any other sleep lab or sleep facility.

2. Respondent is hereby reprimanded for the conduct that led to his arrest discussed above in violation of N.J.S.A. 45:1-21(e).

3. Respondent shall, within six (6) months of the entry date of this Order, successfully complete eight (8) Board pre-approved continuing education credits in the area of ethics. Certificates of attendance shall be provided to the Board.

4. Respondent is hereby assessed a civil penalty in the amount of \$1,000.00 for the above referenced violation. Payment of the penalty shall be made within thirty (30) days of the filing date of this Order and submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Francine Widrich, Acting Executive Director, New Jersey

State Board of Polysomnography, 124 Halsey Street, 7th floor,
P.O. Box 45051, Newark, New Jersey 07101.

STATE BOARD OF POLYSOMNOGRAPHY

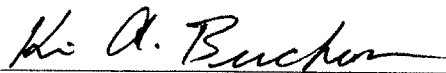
By: _____
Penni L. Smith, RPSGT, Chair

I have read and understand
the above Consent Order and
I agree to abide by its terms.
Consent is hereby given to the
Board to enter this Order.



Michael J. Lahey

I consent to the form
and entry of this Order.

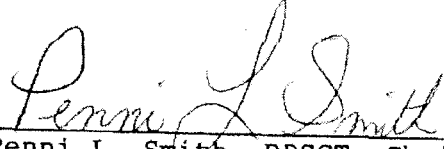


Kevin A. Buchan, Esq.
Walder, Hayden & Brogan, PA
Attorney for Michael J. Lahey

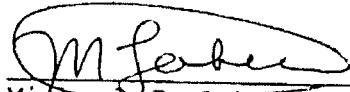
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